

COUNCIL WORK MINUTES
SEPTEMBER 18, 2013

The City Council held a work meeting on Wednesday, September 18, 2013, at 5:55 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Joe Burgess; Councilmembers: Ron Adams; Nina Barnes; John Black; Paul Cozzens; Don Marchant.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Paul Irons; Leisure Services Director Dan Rodgeron; Public Works Director Ryan Marshall.

OTHERS PRESENT: : Betsy Carlile, John Schmidt, Cindy Hollinger, Harley Thompson, Helen Thompson, Gavin Hollinger, Fred Rowley, Tom Jett, Vince Haughton, Angelica Teter, Maile Wilson, Dutch Workman, Andrew Weber, Ingrid Barland, Terry Irons, Shari Rudd, Kerry Fain, Chad Fain, Dallin Staheli, Wayne Christensen, Ciera Cheney, Lacey Strib, Beverly Whiting, Mary A. Deamore, Mary Jane Seaman, Nathan Beacham, Brandy Bettridge, Colton Hedges, Jade Etchart, Justin Edwards, Wes Brinkerhoff, Jordan Slade, David Weber, Avery Whittaker, Dylan Giles, Josh MacInnis, Jonathan Ginouves, Jed Boyle, Ethan Boyle, Jeffrey Ginouves, Carly Heaton, Nate Heaton, Clain Heaton, Josh Boyle, Brenda Killian, Cambree Applegate, Cheryl Bellomo, Judy Higbee, Tanner Davies, Kennedy Roche, Brad Graff, Triston Graff, Mark Bradshaw, Curtis Neilson, Charles Hammon, Ryan Walton, Karsten Nelson, David Rau, Hunter Anderson, Bryce Wayment, Mason Peterson, Chris Archibald, Robert Archibald

STAFF ITEM: NEW CONTRACT WITH GOLF PRO – DAN RODGERSON:

Dan – We had a nation-wide search for this position and the finalists took part in an assessment center. We had great candidates. An offer was made, but it is contingent on approving a contract for managing the golf shop. This is a local candidate who graduated from SUU has 16 years full-time experience managing golf courses. We are fortunate that he is interested in coming back home to Cedar City. We pulled out the 10-year old contract we had with John Evans and made some modifications. We also brought down a PGA professional to see if our compensation was up to par. We met with John, and did a cost analysis of the pro shop over the last few years. This is a three year contract, with rental space on the pro shop. It is dramatically reduced due to mirroring what St. George is doing. In the last 10 years, there is a big difference in retail golf with the internet, etc. We also asked for different percentage splits. These are the main components of the contract. We will pay for 100% of his teaching and then a percentage is going back to the City for lessons and junior golf. We've also changed the contract so that the Golf Course pays a portion of the utilities, which is new, and makes them accountable. We would like to get him started the first of next month. Nina – Can we re-do the contract if circumstances change? Dan – It is a three year contract. Paul B – The last one was for 10 years, and includes if we don't change anything in three years, the contract goes from year to year. We've also included that the Golf Pro position is subject to the personnel

policy. John – Do we want to comment now or email you? Mayor – Let's do that and vote next week. Nina – Did you look at an incentive increases? Dan – If he is getting revenue from Golf Shop he has more people coming in and this will be the benefit. John – I will email my comments tonight and then you can send it out tomorrow. Action.

CONSIDER IMPROVEMENTS OF SOUTH MOUNTAIN DRIVE – RICK LUNT/KIT WAREHAM:

Rick – I've been visiting with Kit and we are asking for the improvement of South Mountain Drive from Eagle Point to South Mountain Drive. We would like a chip sealed road instead of the City standard of asphalt. Kit – They also want to be reimbursed transportation impact fees. These things have been approved by Council as chip seal is okay for a secondary entrance. The reimbursement of impact fees is also approved in the Capital Facilities Plan. Since this is mixture of the two, we thought they should come to Council. They would get reimbursed for the road base section and the subgrade section. The cost would be \$75,000. This is not for utilities, but for culverts and other drainage. The road will come in when the fronting properties develop. Mayor – So as properties develop, they will have to put in asphalt and tear out the chip seal and the City will pay our portion? Rick – The ordinance reads that when 79 or 80 lots are developed with one access road, they need another road. This section already has that so there will be no more improvement. Kit – The access is from the old frontage road by Wal-mart. Mayor – This would be used a lot by County residents coming to town from the south. Jeff – Who maintains the road? Do we plow it? Mayor – We'll maintain it, but it will be added to the C road funds. Chip sealed roads qualify. Consent.

PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM R-3 (DWELLING, MULTIPLE UNIT) TO R-2 (DWELLING, TWO UNIT) ON PROPERTY LOCATED IN THE VICINITY OF 200 WEST FROM COLLEGE AVENUE TO 200 SOUTH – JACKIE JACKSON & BONNIE HALLMAN:

Mayor – One of the property owners was concerned about this. Just the one property has been taken out of the proposal for a zone change. Paul C – And that is the only property owner who objects? Judy Higbee - Yes. All would like to change except for the one owner. I work with the committee to get this change. The Planning Commission recommended R-2 and we would like to ask for it without exception except that one piece. Fred Rowley – How about the LDS Church in that area, will that be excluded? Paul B – They were given notice and we didn't receive any correspondence. Mayor – What they do with it would work in either zone. Fred – What if they wanted to sell it to someone who wanted to build apartments? Paul B – The character of a neighborhood changes over the years and they could come to Council to change the zone. Action.

PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM CENTRAL COMMERCIAL (CC) TO RESIDENTIAL-3 MULTI DWELLING (R-3-M) ON PROPERTY LOCATED IN THE VICINITY OF 2620 N. COMMERCE CENTER DRIVE – EXCEL DESIGN ASSOCIATES:

Charles Hammond, Excel Design Associates – Just south of this property is Cascade Springs Phase I and this is Phase II. This will be nicer and we're excited to be building in Cedar City again. This was tabled for some years. It is apparent that we are going to

need a second access before we go into construction. We have been working on it for a month and there are several options. Today we want a rezone. This falls in line with the General Land Use map. Phase I was allowed to be developed under Central Commercial. Now it has changed and to build, we need a zone change. We know our challenges and are working on them. This is a positive contribution to the City. There is a need for this housing. Mayor – The Planning Commission approved this unanimously. Don – The problem is the roadway, which is different than the zone change they are requesting tonight, but the project will have to have a road access. Charles – This is a cart and horse situation. We are first pursuing the zone change so we know we can move forward. There are several options for the access. We are trying to gain confidence for the project and if we get it rezoned to an R-3, we can go to work on the second access. We may have to put up more money for this and we don't want to put it up if we don't have zone change in place. The Planning Commission said that if we approve zone change, how do we know you'll put in second access? But we will have to due to the ordinance. We will be back with a set of plans and some solutions to the access problem. Nina – It's great to have land use issues back before Council again. No public comments. Action.

PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM GENERAL COMMERCIAL (GC) TO RESIDENTIAL-2 TWO DWELLING (R-2-2) ON PROPERTY LOCATED IN THE VICINITY OF 4060 WEST 300 NORTH – ROBERT ARCHIBALD:

Robert – This is a cul de sac that is zoned commercial. We want to do a lot split and put twin homes on it. Kit – The lot split will go through separate process, this is just for the rezone. Mayor – This was also approved unanimously by the Planning Commission. Kit – They didn't put a lot split through the Planning Commission. Robert – I brought both to Planning Commission. Mayor – The minutes say the lot split is included. Kit – We will need the exact deeds to come through before the approval of the Planning Commission. Mayor – So this is just for the zone change. No public comments. Action.

CONSIDER A CONTRACT BETWEEN CEDAR CITY AND CREAMER & NOBLE INC. FOR ENGINEERING SERVICES FOR THE AIRPORT – CREAMER & NOBLE INC./RUSS VOLK:

Russ – This is the pavement preservation work that the State is funding out of a grant. This is for the consultant firm. They will take the project from start to finish. We would like to finish it before this fall. Paul C – What is the seal? Russ – It is different from what the Street Department uses, but they've had success with their product which lasts four to six years. It penetrates and rejuvenates the surface. They have used it at several airports and recommend it. Consent.

CONSIDER DECLARATION OF SURPLUS PROPERTY – COREY CHILDS:

Rick – Each year we dispose of surplus property and if the value is over \$1000, it has to be approved by Council. Corey has been orchestrating the public auction. Corey – Typically everything sells, or it goes up for the auction next year. It is an open bid on the internet. Consent.

CONSIDER DISPOSAL OF CITY PROPERTY TO UDOT FOR THE RECONSTRUCTION OF THE SOUTH INTERCHANGE – KIT WAREHAM:

Kit – You are aware of the history of the south Interchange. We have been working on this for 20 years with UDOT. In our proposal a few years ago, we pledged significant participation from the City. Along this line, we will provide a right of way on the south bound off-ramp. UDOT is designing this and it will go to construction in April. UDOT needs part of the property, which is 1.375 acres. Mayor – If we give them the rest, wouldn't it help towards the money we have to pay? Kit – They don't need that the rest of the property. Consent.

REVIEW COOPERATIVE AGREEMENT WITH UDOT TO PROVIDE \$100,000 TO CEDAR CITY TO INSTALL DECORATIVE BLOCK RETAINING WALLS ALONG SIDEWALK ON COVE DRIVE – KIT WAREHAM:

Kit – A few years ago we connected Cove Drive up the canyon and in negotiations with the property owner we promised we would minimize the impact on the canyon. The cut slopes have had a few problems with the rains. We propose a block retaining wall on the foot of the slopes, so that as material rolls off the slopes, the wall will catch it. This will be a decorative block stone, like a diamond stone. Don – What is the distance? Kit – The distances would vary and this is on both sides. Paul C – What are the concrete footings perpendicular to the road? Kit – They are to divert water from the sidewalk. We had a federal grant for the project and we traded it with a state grant and when we got done we hadn't spent it all. They agreed to give us the remaining to finish the wall. The previous property owner is happy with this project, and it doesn't impact any other properties. It goes along all sides and the City owns the cut slopes. It will be in front of the church property. Consent.

CONSIDER AGREEMENT WITH UDOT REQUIRING CITY TO ASSUME OWNERSHIP & MAINTENANCE RESPONSIBILITIES FOR THE FOUR STREET LIGHTS INSTALLED WITH THE NEW SIGNAL LIGHT AT CANYON RANCH DRIVE AND SR-130 – KIT WAREHAM:

Kit – UDOT will be putting in the light in the next few months. They put streetlights on the signal lights and they always require the City to be responsible to maintain them. These are 250 watt LED streetlights and they are efficient. This will eliminate the existing streetlight. We have saved significantly on our power bill with LED lights. Mayor – Do we have a maintenance contract? Kit – Public Works does and will fix the streetlights, not the signals. Consent.

CONSIDER AN ORDINANCE AMENDING CHAPTER 23 OF THE CEDAR CITY ORDINANCES, BUSINESS LICENSES, RELATED TO THE LICENSING OF RETAIL TOBACCO SPECIALTY BUSINESSES. PAUL BITTMENN:

Paul B – Chapter 23 is the business license ordinance and tells the fees, etc. Special licenses such as pawn, beer, etc. fall under this and there are different requirements. In 2012, the legislature defined retail tobacco specialty outlets as those having more than 35% of retail from tobacco products. The state said cities may license shops, but if you want to license them, this is the criteria. There is language such as not less than 600 feet of residential or agricultural zone or 1000 feet from schools, parks, etc. Cities can also go above and beyond those requirements. We have had requests for businesses to locate in town and they were tobacco retailers, and so we are bringing this before Council. Do

we want to license these shops? Are you comfortable adopting state requirements in our ordinance? This won't affect Smiths, Lin's, Maverick, etc. It won't impact any existing tobacco shops. John – How do the distances compare with other restrictions in our ordinances. Paul B – 1000 feet is one of the largest. Chief – It is 600 for liquor establishments. Paul B – I think these distances are quite restrictive. Action.

CONSIDER APPROVING A CONTRACT WITH LEXIS NEXIS FOR LEGAL RESEARCH MATERIALS – PAUL BITTMENN:

Paul – We pay for the privilege of reading legal documents and we need access. This is a good deal, and will only go up \$4 per month the next three years. Randall and I can use their storage space to store our research. We've had this company for six to eight years and they are very good. Consent.

CONSIDER APPROVING A CONTRACT WITH THE UDOT FOR PEDESTRIAN SAFE SIDEWALK FUNDS FY 2014 – RYAN MARSHALL:

Ryan – On Main Street, at 1425 North, the sidewalk is missing and it is concerning because of the kids walking home from school. There are also fruit stands there with lots of foot traffic. We applied to the State for funding and this is the contract to do it. This is a 25% match and was funded in the budget. Consent.

CONSIDER APPOINTING DANNY STEWART TO THE CEDAR CITY ARTS COUNCIL – MAYOR BURGESS: Mayor – Danny had an issue tonight and can't be here. You all know Danny, and he will bring many talents to this position. The Council recommended this. Consent.

ADJOURN: Councilmember Don Marchant moved to adjourn at 6:47 p.m.; second by Councilmember Nina Barnes; vote unanimous.


Barbara Barrick, Executive Secretary

